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Central Intelligence Agency



Washington, D.C. 20505

30 September 1988

The Honorable Charles A. Bowsher
Comptroller General
General Accounting Office
Washington, DC 20548

Dear Mr. Chairman:

I have been advised by the DCI's Special Security Center that on 28 July 1988, the United States District Court for the District of Columbia issued its decision in the cases of National Federation of Federal Employees v. United States, et al., Civil Action No. 87-2284-OG, and American Federation of Government Employees v. Garfinkel, et al., Civil Action No. 87-2412-OG, which challenged the constitutionality and legality of Form 4193, the "Sensitive Compartmented Information Nondisclosure Agreement." Essentially, the decision upheld the Government's use of the Form 4193 as both constitutional and legal.

The Court has required the Government to clarify the scope of the term "classifiable" as used in the Form 4193 (and any equivalent SCI nondisclosure agreement) by defining the term in an appropriately limited manner and informing, within thirty (30) days, all current U.S. Government employees who have signed such agreements of this clarification. I have enclosed copies of this clarification for your convenience.

Please take the steps necessary to provide all of your current employees who have signed a Form 4193 (see enclosed list), or equivalent SCI nondisclosure agreement that contains the term "classifiable," with a copy or facsimile of the enclosed clarification no later than 22 October 1988 in order to comply with the Court's order.

For your information, the enforcement of all other aspects of the Form 4193 and equivalent SCI nondisclosure agreements is not affected by the notice requirement pertaining to the term "classifiable."

Sincerely,



John L. Helgeson
Director of Congressional Affairs

Enclosures

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